

### REMARKS/ARGUMENTS

The Office Action dated January 8, 2007 has been carefully reviewed and considered. Applicants thank the Examiner for the indication of allowable subject matter of claim 9, and thus have rewritten claim 9 as suggested by the Examiner. In addition, new Fig. 3 has been added to further illustrate the permanent magnet.

The objection to claim 2 has been addressed by revisions suggested. As noted above, new Figure 3 is submitted which is believed to overcome the objection to the drawings.

The rejection of claims 2, 6 and 7 is believed to have been addressed by the present amendments. The Examiner is thanked for the detailed comments in this rejection, and withdrawal is requested.

Claims 1-5 were rejected as being anticipated by DE'882. This rejection is respectfully traversed. Initially, it is noted that DE'882 relates to door locks as opposed to door openers, and thus has many differences from the present invention. For example, DE'882 is not believed to disclose a safety lever that pivots about its center of gravity, as recited in claim 1. To the contrary, DE'882 discloses a safety lever that is pivotal around a bolt, which is positioned on the side (left side in the Figure) of the safety lever which is in fact not the center of gravity of the safety lever (labeled *Schwenkhebel* 7). In addition, DE'882 is believed not to teach or suggest a safety lever that is actuated with a pre-stress as recited in claim 1. The leaf spring in DE'882 (labeled *Blattfeder* 9) to the contrary represents a friction break and is supposed to secure the positioning of the safety lever. Accordingly, claim 1 is believed patentable over DE'882 for the reasons given above.

Turning to the rejection of claims 1-5 as being anticipated by Toma, this rejection is also respectfully traversed. In contrast to the presently recited claim 1, Toma does not teach or suggest a balanced safety lever that holds the locking lever in the locking position. To the contrary, the device of Toma requires at least two safety levers (first safety lever 6 and balanced second safety lever 10) that together lock the locking lever. Furthermore, the balanced second

safety lever 10 locks the first safety lever 6 (see column 4, lines 44-47) in a way which is different than that recited in the present claimed 1. Thus, Toma does not teach or suggest a safety lever that holds the line locking lever in the locking position and is pivoted about its center of gravity as recited by claim 1. Moreover, as is explained in the background of the present application, the locking/release device of Toma comprises many complex components that are expensive to manufacture and to install. The present invention as recited in claim 1 provides an advantage over Toma.

Turning next to the rejection of claims 6-8 as being unpatentable over Toma in view of Bashford, it is respectfully submitted that neither reference discloses the combination of a locking function and the actuation of a microswitch in a single lever in accordance with these claims. To the contrary, Bashford discloses a ledge monitor arm 82 that comprises an extension 83 having a door latch bolt plate 84 at its distal end (see column 6, lines 8-10), and a microswitch cam 85 at its opposite end that triggers a microswitch 86 (see column 6, lines 10 and 11). Accordingly, Bashford is understood to merely disclose the activation of a microswitch via a lever that is moved by the door latch bolt that is present in the strike. However, claims 6-8 recite additional features such as the safety lever is actuated with a pre-stress, holds the locking lever in the locking position, can be swiveled with the help of an electromagnet into a position unlocking the locking lever, pivots about its center of gravity, and activates a microswitch. Thus, claims 6-8 relate to a safety lever that comprises a locking function (locking of the locking lever) together with an activation/monitoring function (activation of the microswitch). This combination enables a reduction of necessary parts in the device. Accordingly, it is respectfully submitted that neither Toma nor Bashford, whether taken singly or in combination, renders the invention of claims 6-8 obvious.

The objection to claim 9 has been addressed by re-writing claim 9 in independent form.  
Continued examination of all the claims is respectfully requested.

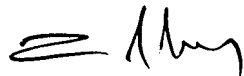
The Examiner is invited to contact the undersigned in an effort to resolve any matter still outstanding before issuing another action.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited. Should the Examiner believe that a telephone conference would be helpful in expediting prosecution of the application; the Examiner is invited to telephone the undersigned at 202-861-1696.

Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Docket No. 87305.0042.

Respectfully submitted,

BAKER & HOSTETLER LLP



Leo J. Jennings  
Registration No: 32,902

Date: July 2, 2007  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304  
Tel: 202-861-1500  
Fax: 202-861-1783

APPENDIX A

Fig. 3 has been added at the suggestion of the Examiner. No new matter is introduced.